

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANTHONY C. MORGAN,

Plaintiff,

v.

Case No. 2:19-cv-2163-MSN-tmp

SHELBY COUNTY DIVISION
OF CORRECTION, et al.,

Defendants.

ORDER DISMISSING CASE FOR LACK OF PROSECUTION

On March 6, 2019, Plaintiff Anthony Brown, who at the time was incarcerated at the Shelby County Division of Correction (“Jail”) in Memphis, Tennessee, filed a *pro se* civil complaint and a motion to proceed *in forma pauperis*. (ECF Nos. 1, 2.) The Court granted Plaintiff’s request to proceed *in forma pauperis* on April 3, 2019. (ECF No. 7.) On August 26, 2019, the Court dismissed part of the Complaint and ordered issuance of process as to Defendant F/N/U Clemons.¹ (ECF No. 10.) On December 30, 2019, Plaintiff filed a motion to issue a subpoena, (ECF No. 15), which the Court granted on July 31, 2020. (ECF No. 16.) On August 13, 2020, (ECF No. 17), and again on August 17, 2020, (ECF No. 18), the Court received notice that mail was returned undeliverable to Mr. Morgan’s address. Accordingly, the Court entered an Order to Show Cause on December 1, 2021; this Order provided Plaintiff with seven (7) days to perfect service upon Defendant or his lawsuit may be dismissed for failure to prosecute.² (ECF No. 15 at PageID 77.)

¹ F/N/U Clemons is the only remaining Defendant in this matter since the Court dismissed all other Defendants in its judgment rendered on August 26, 2019. (ECF No. 11.)

² The December 1, 2021 order constituted Plaintiff’s second warning. Plaintiff was previously ordered to notify this Court immediately, in writing, of any change of address. (See ECF No. 10 at PageID 41.)

Plaintiff has not yet perfected service as to Defendant Clemons. The docket also reflects that he has neglected to update his mailing address with the Court because the Court's latest Order was returned as undeliverable on December 9, 2021. (ECF No. 20.) Therefore, because Plaintiff has neglected to keep the Court informed as to his address and cannot be reached, the Court hereby **DISMISSES** this action **WITH PREJUDICE** for failure to prosecute under Fed. R. Civ. P. 41(b).

IT IS SO ORDERED this 10th day of December, 2021.

s/ Mark Norris

MARK S. NORRIS

UNITED STATES DISTRICT JUDGE